

EXHIBIT SS

DECLARATION OF MARIA SAPENE

I, Maria Sapene, declare:

1. I am the Chief of the Litigation Support Unit in the Office of the Federal Public Defender for the Central District of California.

2. I obtained materials in support of the Motion to Dismiss for Selective Prosecution (hereinafter, "Motion"). They are contained at Exhibits T through JJ and under seal Exhibit TT. I obtained these materials through open-source investigation. This includes using tools like the Wayback Machine at Archive.org to retrieve and preserve now-deleted or deactivated links; reviewing responses to California Public Record Act ("PRA") or Freedom of Information Act ("FOIA") requests; reviewing public information posted by law enforcement agencies (e.g., Nixle Notifications, arrest logs, social media posts); and other matters of public record, like social media, and internet searches. I specify how I obtained the materials in these Exhibits here:

3. Exhibit T - Joint Intelligence Bulletin, *California: Escalation in Anti-Fascist, Right-Wing Extremist Violence*, States Threat Assessment Center & Northern California Regional Intelligence Ctr. (June 26, 2017). I obtained this from a response to a PRA request to the California Office of Emergency Services.

4. Exhibit U - *Forming An Antifa Group: A Manual*, ItsGoingDown.org (Feb. 16, 2017). I obtained this through open-source investigation of the ItsGoingDown.org website.

5. Exhibit V - *No "FREE SPEECH" FOR FASCISTS! Mass, militant demonstration shuts down Sacramento Neo-Nazi rally!*, BAMN: Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary (June 26, 2016). I obtained this through open-source investigation of the ItsGoingDown.org website.

6. Exhibit W - Interview Clip -- Yvette Felarca, BAMN.com (June 26, 2016). I obtained this through open-source investigation of the ItsGoingDown.org website.

1 7. Exhibit X - *Shut Down Milo Yiannopoulos*, BAMN: Coalition to Defend
2 Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any
3 Means Necessary (Jan. 31, 2017). I obtained this through open-source investigation of
4 the ItsGoingDown.org website.

5 8. Exhibit Y - FBI Rpt. re: BAMN Fliers -- Feb. 1, 2017 Milo Yiannopoulos
6 Berkeley Speech. I obtained this from a response to a FOIA request to the FBI.

7 9. Exhibit Z - Citizen Email to Berkeley Mayor's Office re: March 4 Trump
8 Rally (March 5, 2017). I obtained this from a response to a PRA request to the
9 Berkeley Police Department.

10 10. Exhibit AA - Officer Awareness Bulletin, *(LES) ANTIFA & ANTI-*
11 *ANTIFA MOVEMENT SYMBOLS*, Symbol Intelligence Group (March 15, 2017). I
12 obtained this from a response to a PRA request to the California Office of Emergency
13 Services.

14 11. Exhibit BB - Email from DHS Officer re: Huntington Beach Event (March
15 28, 2017). I obtained this from a response to a PRA request to the Orange County
16 Sheriff's Department.

17 12. Exhibit CC - Bay Area Committee Against Fascism, *Why the Bay Area*
18 *Must Shut Down the Alt-Right Rally on April 15th*, IndyBay - East Bay (April 5, 2017).
19 I obtained this through open-source investigation of the IndyBay.org website.

20 13. Exhibit DD - Pamphlet, *Message in a Bottle*, It's Going Down (undated).
21 I obtained this through open-source investigation of the ItsGoingDown.org website,
22 which linked to the pamphlet.

23 14. Exhibit EE - Pamphlet, *The Riot is One Night*, It's Going Down (undated).
24 I obtained this through open-source investigation of the ItsGoingDown.org website,
25 which linked to the pamphlet.

26 15. Exhibit FF - Thread, *The troubling implications of the conflict in Berkeley*
27 *today*, Reddit.com/r/anarchism (April 16, 2017). I obtained this through open-source
28 investigation of the website Reddit.com and Archive.is, which contained the thread.

